

S/N 10/091,126

PATENTRemarks

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 17-24 are pending in the application. Non-elected claims 1-16 have been canceled. Claims 18 and 19 have been revised to depend from claim 17. New claims 20 and 21 are supported, for example, at the penultimate paragraph of page 5. New claim 22 is supported, for example, at page 4, lines 19-20. New claims 23-24 are supported, for example, at lines 12-15 of page 6.

An editorial revision has been made to page 4 of the specification, to correct the units reported for the volume. As the dimensions of the canister are given only in inches, it is apparent that the volume would be expressed as in³ instead of cc. In addition, it can be seen that the volumes expressed as in³ are more closely related to the stated dimensions than are the volumes expressed as cc.

Claim 17 was rejected as obvious over Balka '857 or Balka '283. Applicants respectfully traverse this rejection. The rejection analyzes features such as (a) the single motor blower that (b) draws less than 15 amps and (c) a projectile speed of at least 90 mph individually and contends that these are mere matters of choice. Applicants respectfully submit that the rejection improperly fails to consider the invention of claim 17 as a whole and fails to consider the advantages provided by the combination of features required by claim 17.

An apparatus capable of projecting a tennis ball or baseball sized projectile at a speed of at least 90 mph provides significant benefits for training activities, for example baseball training. The use of a single motor blower that draws no more than 15 amps is advantageous in that it allows the apparatus to be used with standard house current and does not require any special wiring. This makes the apparatus versatile and practical. The use of multiple motors or the use of a motor that draws large amounts of current would not enjoy these advantages.

Neither of the Balka references pays any attention to these details. Balka '283 is silent as to projectile speed. Balka '857 mentions merely a speed of "20 to more than 55 mile per hour" at col. 6, line 35. Neither reference provides more than a general discussion of the blower to be used. Nothing in either reference provides any basis to expect that an apparatus capable of achieving projectile speeds of 90 mile per hour could be obtained in the beneficial form of a single motor blower drawing no more than 15 amps. Therefore, claim 17 is not suggested by the references.

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Claims 18 and 19 were rejected as obvious over the Balka references discussed above, further in view of Kahelin or Beauchamp. The rejections are rendered moot in view of the revision of claims 18 and 19 to depend from claim 17, as Kahelin and Beauchamp do not remedy the deficiencies of the Balka references with respect to claim 17. Applicants are not conceding the relevance of Kahelin and Beauchamp to the features of claims 18 and 19.

Claims 20-24 are further removed from the references. Note in particular the features of claims 20 and 21; neither of the Balka references discusses a minimum length for the exit tube. This feature is advantageous in achieving the high speed projection.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested.



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Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read "Douglas P. Mueller".

Douglas P. Mueller
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DPM